

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
FEBRUARY 27, 2013
7:00 P.M.**

I. CALL TO ORDER

Chair Staunton called the meeting of the Edina Planning Commission to order at 7:00 PM.

II. ROLL CALL

Answering the roll call were Commissioners Forrest, Scherer, Schroeder, Kilberg, Potts, Platteter, Cherkassky, Carpeter, Grabiell, Staunton

III. APPROVAL OF MEETING AGENDA

Meeting Agenda was approved as submitted.

IV. APPROVAL OF CONSENT ITEMS

Commissioner Platteter moved approval of the February 13, 2012, meeting minutes. Commissioner Potts seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

No comment.

VI. PUBLIC HEARING

A. Variance. Oertel Architects/City of Edina. 7450 Metro Blvd., Edina, MN

Planner Presentation

Planner Teague informed the Commission the City of Edina is requesting a 24-foot setback variance to construct a 16.5-foot tall, 40' x 30' protective canopy over the existing fuel island. The canopy would be constructed of prefinished metal panels to match the panels on the existing Public Works building.

Teague reported that the subject property is 7.8 acres in size, is relatively flat and contains the Public Works building, surface parking, loading do and a salt storage building.

Teague concluded that staff recommends approval of the requested variance based on the following findings:

- a) The practical difficult is caused by the existing location of storm water utility lines that mandated the fuel islands to be located where they are; and the tight drive aisle area in which to move trucks through the site.
- b) The encroachment into the setback is a relatively minor area compared to the size of the existing building on the site.
- c) The request is reasonable given the location of the existing fuel islands.

Approval of the variance is also subject to the following condition:

1. The canopy must be construction per the proposed plans date stamped February 5, 2013.

Appearing for the Applicant

Wayne Houle, City Engineer

Discussion

Commissioner Forrest asked Planner Teague if the proposed canopy is considered an accessory use. Teague responded in the affirmative.

Chair Staunton opened the public hearing and asked if anyone would like to speak to this issue; being none, Commissioner Grabiell moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; motion carried.

Motion

Commissioner Grabiell moved variance approval for the canopy based on staff findings and subject to staff conditions. Commissioner Carpenter seconded the motion. All voted aye; motion carried. 8-0.

B. Variance. Hemberger. 5601 Countryside Road, Edina, MN

Planner Presentation

Planner Aaker informed the Commission the subject property is located on the south

side of Country side Road consisting of a 2 story home with an attached two car garage, The property owners would like to expand the back wall of the garage by 4.9 feet and add a second floor to include bedroom area and bathroom over the garage. The existing garage is located 8.1 feet from the west lot line and conforms to the minimum 5 foot side yard setback requirements for a garage. Currently there are storage trusses above the garage; however, it is not convertible to living space given the low roofline. The homeowners are proposing to increase the roof height in order to accommodate a bedroom area. The second floor area will be setback and indented from the front wall of the garage to reduce impact from the street view.

The zoning ordinance requires a minimum 10 foot side yard setback for living space, however, six inches of setback must be added for each twelve inches the side wall height exceeds 15 feet. The height of the addition from grade to mid-point of the gable roof is 21.5 feet requiring a side yard setback of 12.5 feet. The existing garage provides a side yard setback of 8.1 feet therefore a 5.15 foot side yard setback variance is required.

Aaker explained the neighboring house adjacent to the expansion area has their garage next to the improvement so the neighbor's living space is not directly affected. Spacing between structures will remain the same at approximately 12 feet between the two garages. It should be noted that a similar room space above a garage at a nonconforming setback is just down the block at 5525 Countryside.

Aaker concluded that staff recommends that the Planning Commission approve the variance based on the following findings:

- 1) With the exception of the variance requested side yard setback variance, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it slightly alters existing conditions without reducing setback or impacting the surrounding neighbors.
 - b. The imposed setback and existing house location does not provide opportunity for an increase in roof pitch or adequate room space above the existing garage.
 - c. The original placement of the home closer to the west lot line makes it difficult to adjust living spaces within the existing structure.

Approval of the variance is also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions. Survey date stamped: 5/31/2012.and building plans/ elevations date stamped: February 12, 2013.

Appearing for the Applicant

Mr. and Mrs. Hemberger

Discussion

Commissioner Forrest commented that in her opinion this request appears self-imposed. Planner Aaker responded that the applicant wanted to preserve the trees in the rear yard, adding their difficulty was that the house was constructed closer to one property line than the other, adding most houses in the immediate area weren't sited that way. The majority of houses in this area appear centered on the lot.

Mrs. Hemberger said it was very important to them to preserve the trees in the rear yard and achieve additional space in a reasonable manner.

Mr. Craig builder for the applicant explained that another issue they faced was the location of the load bearing wall. Mr. Craig noted a possible conforming location would require placing a support beam through the garage which would create difficulty in vehicle parking.

Chair Staunton opened the public hearing. No public comment.

Motion

Commissioner Grabiell moved to close the public hearing. Commissioner Scherer seconded the motion. All vote aye; motion carried.

Discussion

Commissioner Forrest said that although she likes the project she was struggling with practical difficulties. Continuing, Forrest said if approved she would like added to the findings that the practical difficulties were the mature trees, location of the house on the lot and load bearing wall.

Commissioner Platteter asked if any trees need to be removed to accommodate construction. Mr. Hemberger said all trees would remain.

Motion

Commissioner Grabiell moved variance approval. Commissioner Carpenter seconded the motion. Commissioner Forrest asked if they would accept an amendment to the motion to include as practical difficulties the mature trees, load bearing wall and location of the house on the lot. Commissioners Grabiell and Carpenter accepted those findings. All voted aye; motion carried.

C. Variance. Williams. 3915 Morningside Road, Edina, MN

Applicant Presentation

Planner Aaker reported the subject property is located south of Morningside Road and west of France Ave. consisting of a two story home with a detached two car garage.

The property owner is planning an addition to the back and east side of the home to include a new basement, 1st and 2nd floor area. The plan also includes a front porch addition which requires a front yard setback variance. The front porch is proposed to be 6' x 32', or 192 square feet in area, and run the full length of the front facade. The zoning ordinance requires that the front yard setback is established by averaging the front yard setbacks of the homes on either side. The average front yard setback for the subject property is 35.8 feet. The existing home provides a 35.9 foot front yard setback which is slightly farther back than the average. The ordinance allows a porch to encroach into the front yard setback area by a maximum of 80 square feet. The porch would extend the length of the façade and is proposed to be 6 feet deep. The porch exceeds the allowable encroachment of 80 square feet in the front yard area by 108.8 square feet.

Planner Aaker explained that the home was built in 1923 and has had no improvements with the exception of the installation of airconditioning and maintenance. The plan improves upon an existing structure and provides needed space with an addition without a complete teardown-rebuild of the home. If the existing home were removed, a conforming plan could be designed with a front porch. Retrofitting the existing structure can be difficult given the current code requirements.

Planner Aaker concluded that it is difficult for staff to support the variance given the porch allotment afforded by ordinance. Staff puts forth the following findings:

1. With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District. The additions are to an existing home and must conform regarding current conditions. A porch would be easily attainable with all new construction, (tear-down/re-build).
2. The proposed porch will blend well with the eclectic nature of the Morningside neighborhood.
3. The imposed setback limits design opportunity for a porch. The intent of the ordinance is to provide adequate spacing from the street. The proposed porch will be no closer to the street than one home located on the block and within 1.5 feet of another.

Appearing for the Applicant

Nicole and Ryan Williams and Rita Larsen, architect.

Discussion

Commissioner Platteter commented if the City allows an encroachment of 80 square feet this proposal must exceed that allotment. Aaker responded in the affirmative, adding this “porch” is proposed as a full front porch across the entire length of the house. Aaker further explained that the ordinance was amended to allow an 80 square foot encroachment no closer than 20-feet to the front property line. This change was in response to the desire of residents to cover their front “stoops”, creating a safe entryway free of snow, ice and rain. Aaker reported that this request is the first challenge since the ordinance was amended.

Chair Staunton asked if in this instance the front yard setback continues to be established by averaging the houses on either side. Aaker responded that is correct; reiterating ordinance allows an 80 square foot encroachment into the front yard setback area with a setback of 20-feet.

Applicant Presentation

Mr. Williams said their goal was to have a front porch, adding the style of the house created the need for a full length porch not just a “bump out” as permitted per ordinance. Mr. Williams acknowledged their request is the first challenge to the ordinance, adding having a front porch means a lot to his family.

Chair Staunton opened the public hearing. No one was present to speak to the issue.

Motion

Commissioner Platteter moved to close the public hearing. Commissioner Scherer seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Grabiell asked Planner Aaker the rationale behind the change in the ordinance to permit 80 square foot “front porches”. Aaker said the amendment to the ordinance to allow this encroachment resulted from the need for residents to provide coverage from the elements.

Commissioner Potts said he likes the design and also likes the idea of front porches. Potts said he appreciates the intent of the porch design, adding that in his opinion shrinking the porch down to 80 square-feet doesn’t make sense and wouldn’t look good.

Commissioner Platteter stated that he agrees with Commissioner Potts, adding in his opinion this is a nice addition to the home. Platteter added that he's not a fan of lining up houses in a row.

Commissioner Carpenter said if the "porch" is cut back it would appear to him to be too narrow and nonfunctional. Commissioners agreed.

Commissioner Forrest commented that she is a big fan of front porches; however, the staff report doesn't present findings that would support approval of the request; there are no practical difficulties and is self-created.

Commissioner Carpenter commented that every variance could be considered "self-created" just because someone asks. He added to him the test is what are the practical difficulties and how is/are it/they justified. Carpenter pointed out State Statute also states that practical difficulties can also include functional and aesthetic issues and in this instance the practical difficulties could be the functionality of the "porch" and the aesthetics.

Motion

Commissioner Platteter moved approval of a 5.9-foot front yard setback variance. Commissioner Carpenter seconded the motion. Approval is based on the porch being an improvement to the house and neighborhood, pointing out the neighborhood has many homes with front porches and this is a positive addition to the neighborhood.

Commissioner Forrest questioned if those should be considered practical difficulties. Commissioner Schroeder suggested as a finding of approval that City ordinance references functionality as a practical difficulty and the City's 80-square foot allowance doesn't allow for a functional porch area. In this instance the City ordinance created the difficulty. Chair Staunton called for the vote; Ayes; Scherer, Schroeder, Potts, Platteter, Carpenter, Grabiell, Staunton. Nays; Forrest. Motion carried 7-1.

D. Wernke. 4011 44th Street West, Edina, MN

Planner Presentation

Planner Aaker reported that the subject property is a corner lot located south of 44th Street and west of Curve Ave. It consists of a split level home with an attached two car garage built in 1958.

Aaker explained the property owners are hoping to add a garage extension west of the existing side wall of the garage. The owners would like to convert an area within the

garage to accommodate a mud room. The existing garage does not have direct access into the house. Access into the garage is through two exterior doors over an open deck behind the home. The existing garage is narrow at 19.33 feet in width. The owners would like a more usable, 24 foot garage width while incorporating a mudroom for access to the house. The owners are also proposing a screened porch addition behind the home in place of an existing deck. The porch conforms to all ordinance requirements.

Planner Aaker reported that the existing garage is slightly nonconforming regarding rear yard setback. The minimum rear yard setback is 25 feet with the garage side wall located 24.5 feet from the west lot line. Any addition to the side of the garage requires a setback variance. The property is subjected to two front yard setbacks. The property must match the front yard setback of the home to the west fronting west 44th Street and the front yard setback of the home to the south fronting Grimes Ave.

Planner Aaker concluded that staff recommends variance approval based on the following findings::

1. With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
2. The proposal would meet the required standards for a variance, because.
3. The proposed use of the property is reasonable; as it is consistent with surrounding properties and will not alter the character or street views.
4. The imposed setback limits design opportunity. The intent of the ordinance is to provide adequate spacing between structures and lot lines. Spacing will remain generous between the west wall of the garage and the adjacent home to the west. The unique circumstance is the original placement of the home relative to the lot configuration and orientation to the street.

Approval of the variance is also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the survey and building plans date stamped February 12, 2013.

Appearing for the Applicant

Dorene and Alan Wernke and Bob Ganser

Motion

Commissioner Potts moved to approve a 12.17-foot rear yard setback variance based on staff findings and subject to staff conditions. Commissioner Platteter seconded the motion. All voted aye; motion carried.

E. Preliminary Rezoning to PUD, Preliminary Redevelopment Plan, and Preliminary Plat. Anderson-KM Builders. 7171 France Avenue, Edina, MN

Planner Presentation

Planner Teague informed the Commission Lund Food Holdings is proposing to tear down the existing 59,000 Byerly's grocery store, located at 7171 France Avenue and build a two phase project. Phase 1 would include a new 47,000 square foot Byerly's store, a six/seven story 109-unit apartment building with two levels of underground parking and a six/seven story, 77-unit apartment building with a first floor 10,450 square foot retail area and two levels of underground parking. Phase 2 would consist of a six-story 60-unit apartment building with 10,500 square feet of retail space on the first level and two levels of underground parking.

Teague reported In building the first phase, the new Byerly's store would be constructed in the parking lot of the existing store at the northwest corner of the site. The existing store would remain open. When the new store is finished the existing store would be removed, and then the two apartment buildings would be constructed. Concluding, Teague explained to accommodate the proposed redevelopment the following is requested; Preliminary Rezoning from PCD-3, Planned Commercial District to PUD, Planned Unit Development; Preliminary Development Plan; and Preliminary Plat.

Teague noted if "preliminary" requests are approved by the City Council; the second step would be Final Development Plan, Final Rezoning and Final Plat review which would again require review by both the Planning Commission and City Council.

Continuing with his presentation Teague reminded the Commission that the applicant has gone through the Sketch Plan process before the Planning Commission and City Council and from those meetings developed the proposed plans by attempting to address the issues raised by the Planning Commission and City Council. Those revisions include bringing the Byerly's store up to France Avenue, relocated the loading dock away from the Promenade, have the project embrace the Promenade, better pedestrian connections and providing some sustainable concepts.

Planner Teague concluded that staff recommends that the City Council approve the Preliminary Rezoning from PCD-3, Planned Commercial District to PUD, Planned Unit Development District and Preliminary Development Plan to build a new 47,000 square foot Byerly's store; a six-story 106-unit apartment building with two levels of underground parking; a six-story, 77-unit apartment building with first floor 10,450 square foot retail area and two levels of underground parking; and a six-story, 60-unit apartment building with 10,500 square feet of retail space on

the first level and two levels of underground parking. Approval is based on the following findings:

1. The proposed land uses are consistent with the Comprehensive Plan.
2. The proposal would meet the purpose and intent of the PUD, as most of the above criteria would be met. The site is guided in the Comprehensive Plan as “Mixed Use Center – MXC,” which encourages a mixing of uses, including retail and multifamily residential. The proposed uses are therefore consistent with the Comprehensive Plan.
4. The proposal would create a more efficient and creative use of the property. The Byerly’s store would be pulled up close to the street, with sidewalks in front, and separated from the street by green space to promote a more walkable environment.
5. Pedestrian connections would be made from France Avenue to the Promenade from the north and south sides of the site, as well as through the middle.
6. The applicant is also proposing some sustainability principles within their project narrative.
7. The proposed buildings would be a high quality brick, stone, precast concrete, metal and glass building.
8. The site circulation would be improved with a right-in and right-out added along France Avenue.
9. The proposed project would meet the following goals and policies of the Comprehensive Plan:
 - a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment. On existing auto-oriented development sites, encourage placement of liner buildings close to the street to encourage pedestrian movement.
 - Locate prominent buildings to visually define corners and screen parking lots.
 - Encourage or require placement of surface parking to the rear or side of buildings, rather than between buildings and the street.
 - b. Movement Patterns.
 - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
 - A Pedestrian-Friendly Environment. Improving the auto-oriented design pattern discussed above under “Issues” will call for guidelines that change the relationship between parking, pedestrian movement and building placement.
 - c. Appropriate Parking Standards. Mixed use developments often produce an internal capture rate. This refers to residents and workers who obtain goods and services from within the development without making additional vehicle trips.*Parking ratios

for mixed use development should reflect the internal capture rate and the shared parking opportunities this type of development offers.

- d. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.

Approval is also subject to the following Conditions:

1. The Final Development Plans must be generally consistent with the Preliminary Development Plans dated January 28, 2012, and the materials board as presented to the Planning Commission. Final Development plans should include specific locations of trash enclosure areas, number of bike parking spaces provided, and where loading/deliveries are made to the retail space and apartments.
2. The Final Landscape Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
3. The Final Lighting Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
4. Submittal of a complete sign plan for the site as part of the Final Development Plan application. Signage should include monument sign locations and size, way finding signage, and wall signage.
5. Compliance with all of the conditions outlined in the city engineer's memo dated February 22, 2013.
6. Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development for this site.

Planner Teague further recommended that the City Council approve the Preliminary Plat to create a new four lot subdivision at 7171 France for the proposed project based on the following findings:

1. The proposed plat meets all Zoning and Subdivision Ordinance requirements.

Approval is also subject to the following conditions:

1. Approval of the Final Rezoning of the subject property to Planned Unit Development, PUD.
2. The Final Plat must be considered within one-year after approval of the Preliminary Plat, or the Preliminary Plat shall be deemed null and void.
3. A shared parking and access agreement must be established across the Plat.
4. The Park Dedication fee of \$1,230,00 shall be paid prior to release of the mylars approving the Final Plat.

Appearing for the Applicant

Jim Vos, Cresa, Greg Anderson, Anderson Builders, Paul Holmes, Pope Architects, Maureen

Questions/Discussion

Commissioner Grabiell noted that presently there is a grade change from France Avenue onto the site and asked Planner Teague if the site would continue to be elevated from France. Planner Teague responded in the affirmative.

Commissioner Forrest commented that she understands housing is a permitted Conditional Use in the PCD-3 zoning district and asked Planner Teague if the Commission could limit the type of retail “use” in the residential component of the project. Continuing, Forrest said if limiting uses are allowed how would the Commission do it - would it be per parcel. Planner Teague responded that presently all uses allowed in the PCD-3 zoning district are permitted; however, the Commission can limit those uses per site. Continuing, Teague noted that any “use” not “called out” in the ordinance is prohibited.

Commissioner Forrest questioned if the developer could choose to develop this area through the PCD-3 zoning process and not through PUD. Teague responded that could occur; however, rezoning the site to PUD solidifies a “what is approved is what you get” development. A straight PCD-3 rezoning allows all uses permitted in that zoning district to be “used”.

Applicant Presentation

Jim Vos, Cresa, representing Lund Food Holdings, said they are happy to be back with a redevelopment proposal developed from the feedback they received from the Commission and Council at Sketch Plan Review. Vos introduced the development team.

Paul Holmes addressed the Commission and explained the proposed redevelopment plan will be accomplished in two phases. Phase 1 includes a replacement for the Byerly’s store of 47,000 square feet, and two market-rate rental apartment buildings. Building A is a 6-story, 124,250-square foot, 106 unit building, with two levels of underground parking. Building B consists of a 6-story, 81,375-square foot, 77-unit building with 10,450 square feet of retail space on the west of the ground level, and two levels of underground parking. Phase 2 consists of a 50,400 square foot, 48-unit apartment building, and 10,500 square feet of retail area on the west side of the ground level and two levels of underground parking. Concluding his presentation Holmes said RLK completed a traffic study, adding that the housing element would be managed by Steven Scott.

Steven Manhart, RLK reported on the findings in the traffic analysis that indicated that this redevelopment would result in acceptable levels of service for traffic using existing roadways. Mr. Manhart said in particular it was found that the additional access points to and from the Byerly’s redevelopment site greatly benefit the traffic operations despite there being more trips generated than in the current situation.

Chair Staunton asked City Engineer Houle to present his findings on the France Avenue TE, specifically because it relates so closely with what's occurring in the area as far as redevelopment goes. Houle delivered a power point presentation highlighting the following design elements:

- Consider narrowing lanes
- Widen and landscape medians
- Enhance pedestrian crosswalks
- Enhanced intersection corner treatments (suggested Biscuit Planters)
- Traffic signal improvements
- Pedestrian/bike phasing and detection
- Accessible pedestrian signals (APS) countdown timers, etc.

With graphics Houle illustrated traffic and pedestrian movements. Houle reported the schedule that would be followed. 1) Plans to Hennepin County/Federal Aid (2/4/2013); Plan approved for Letting (March 31, 2013), Construction June, 2013 – September 2013. Houle also reported a volunteer is needed at the Planning Commission level for Urban Design review. Houle stated this working group would focus on urban design for the corridor. Houle said he believes the working group would meet for roughly three months.

Discussion

Commissioner Grabiell asked if the proposed residential units are rental. Mr. Voss responded in the affirmative. Grabiell questioned their intent to replat – who would own the apartment buildings and could they be sold to another party. Vos responded the intent is a long term partnership with Schaefer Richardson, adding the parcels are being split to accommodate financial requirements for construction.

Commissioner Forrest asked for clarification on the elevation of the residential community area, adding to her it appears above grade. Mr. Vos responded that area is above grade by roughly 7-feet at its highest point.

Chair Staunton asked if more units had been added since Sketch Plan Review. Mr. Vos responded in the affirmative. Mr. Holmes interjected and explained the siting of the buildings guided unit quantity, adding he believes there is an increase of 40-units. Staunton questioned if any consideration was given to pulling Building B closer to France Avenue. Mr. Holmes said their goal with the residential element of the project was to have the housing address the promenade as suggested by the Commission and Council. Continuing, Holmes said that their intent was also to separate the commercial from residential and to have the parking for the store be in front.

Commissioner Scherer questioned if unit size was determined. Ms. Michalski informed the Commission there is a wide range of unit size. Studio apartments begin at around 590-square

feet, 1-bedrooms between 620-830, and the range goes up from there with some loft units in excess of 1,500 square feet. Ms. Michalski gave a brief presentation of the housing units adding the design team went with a more classic look and feel to the residential building component of the project. Commissioner Scherer referred to a letter received from the property owner at 3655 Hazelton Road and asked if the lot line issue was clarified. Mr. Vos said they are working with that owner and are trying to strike a balance.

Commissioner Potts said he is having a difficult time appreciating the pedestrian connection from the promenade. Potts added he imagined a more “formal” pathway from the promenade into the site and to the new store. Mr. Vos said options are still open, and pointed out the plans indicate a pedestrian grid throughout the site. Potts suggested they “take this to the next level” by emphasizing the paths and reduce parking spaces. Concluding Potts said there are some great features in this project; however, more needs to be done. Mr. Holmes responded that at this time the plans are in the preliminary stages.

Commissioner Schroeder commented on sustainability referenced in the submitted materials and asked the development team if they have a target or set of goals they want to achieve. Mr. Vos responded that the proposed new store would be smaller, which reduces energy and other measures such as mechanical design and lighting etc. would also be implemented. Ms. Michalski told the Commission the development team is also working with Excel, White Group on energy design. Mr. Vos reiterated with the use of better mechanical systems, lighting and the shrinking of the foot print there would be measurable energy savings. Commissioner Schroeder stated that may be true; however, he would like to see the applicant formulate an outline and frame a target that illustrates the energy efficiency measures that will be implemented for this project. Schroeder said he there are ways to document differences in energy consumption from a building constructed in 2013 to one that was constructed in the 1970’s or 80’s. Ms. Michalski said working with the White Group should help the process.

Commissioner Forrest asked in reference to Engineer Houle’s presentation if Metro Transit is part of the discussion. Houle responded in the affirmative.

Public Testimony

The following spoke to the project:

John Bohan, 800 Coventry Place
Janet Bohan, 800 Coventry Place
Bill Wolfson, 3655 Hazelton Road
Resident of 7220 York Avenue
Resident 7220 York Avenue

Motion

Chair Staunton asked if anyone else would like to speak to this project; being none; Commissioner Grabiell moved to close the public hearing. Commissioner Scherer seconded the motion. All voted aye; public hearing closed.

Chair Staunton asked if the store would have carry outs or would it be parcel pick up. Mr. Holmes responded parcel pick up is proposed for the store. Staunton further questioned if the type of retail uses have been determined. Mr. Holmes responded that he envisions a mobile phone store, a Noodles or Punch restaurant, adding the retail tenant mix is still being worked out.

Commissioner Schroeder referred to the traffic figures and questioned if Byerly's was expecting to lose customers. He pointed out the traffic analysis standard considers building size; however, in this instance Schroeder said he doesn't believe the smaller Byerly's building makes any difference with regard to traffic to and from the store.

A discussion ensued on traffic calculations, pedestrian access and site circulation. Chair Staunton noted that this is a two-step process; however it is very important the Commission gets preliminary right. Continuing, Staunton said from the discussion so far there appears to be building site issues on the east side, lack of sustainability measures and limited future build out analysis.

Commissioner Kilberg said he would like to add a youth view to the discussion. Kilberg said he enjoys walking the Centennial Lakes pathways, adding that the access to the promenade is a huge plus for this redevelopment proposal. Kilberg said in his opinion, this proposal should be developed as a destination; especially the Byerly's store and the small retail spaces. Kilberg also added the proposal is good for the community and achieving easy access for vehicles and pedestrians is beneficial for all. Concluding, Kilberg said he views this redevelopment as a continuation of Centennial Lakes park and promenade walking path. The walkability is very good and will flow as one large circle. Kilberg said he also envisions opportunity on the site to develop a "square" or meeting area, adding the current plan doesn't seem to achieve that level of pedestrian interaction.

Commissioner Platteter stated he has continues to have concerns with the project and in general has trouble envisioning this parcel as pedestrian friendly; especially its relationship to the promenade. Platteter also noted that the interior pedestrian flow needs clarity - how will the pedestrian navigate between landscape islands and the retail components. Concluding Platteter stressed the importance of walkability. He said to achieve walkability the residential components may need to be pulled back from the promenade. With regard to sustainability and working with the White Group a certain percentage of measurability needs to be documented. He also said he was a bit uncomfortable with the water feature.

Commissioner Scherer also noted positive features of the plan; however expressed the following concerns: better refine connectivity, reconsider the variance from the promenade, will these apartment buildings be “light stealers” from the properties to the east; adding she is also uncomfortable with the loading dock.

Commissioner Potts suggested that the applicant return to the Commission with a revised plan to include more information on sustainability, energy design and further explain the joint program with Excel.

Commissioner Forrest said that the Commission and development team should work together in developing this site as a PUD. Forrest stated she was a little disappointed with the PUD process, noting, what’s occurring isn’t much different from a straight PCD-3 rezoning. Forrest reiterated she thought that through the PUD process the Commission and applicant would work together and come up with ideas that fine tune the project. Forrest pointed out this is the first time the Commission has viewed this proposal; it’s an important proposal and in her opinion it requires more thought.

Chair Staunton commented that instead of a continuance the Commission “could” grant preliminary rezoning approval and list the categories Commissioners feel need more work. Staunton relayed what he heard so far is:

- Provide more clarity on pedestrian circulation within the site and how the pedestrian addresses the site from the promenade and vice versa.
- Consider reconfiguring the apartment building layout; possible look at reducing the variance.
- Hammer down the water feature on the site.
- Some Commissioners expressed displeasure with the loading dock scenario; location and screening. Can this be reconfigured?
- How does the pedestrian element tie in with the retail components of the apartment buildings?
- Create a better blend or “tie in” between the residential component of the site and the promenade and the Byerly’s store itself.
- Consider “use” restrictions.
- Develop sustainability measures.

Mr. Vos questioned if the Commission was at least supportive of the site plan (building arrangements). Commissioners commented that they have little opposition to the west side of the site; however the east side of the site needs work. Mr. Vos asked if that could mean relocating or moving the buildings. Commissioners said that was a possibility.

Chair Staunton commented that in all fairness this has been a long meeting, agreeing that it may be best to continue the hearing to the next meeting of the Planning Commission on March

13th. This would allow the Commission more time to revisit the plans and also to allow more time for the applicant to possibly re-tool the project.

Motion

Commissioner Platteter moved to continue the request for preliminary rezoning, preliminary plat, and preliminary development for Lund Holdings until the next meeting of the Planning Commission on March 13, 2013. Commissioner Scherer seconded the motion. All voted aye. Motion to continue the meeting to March 13, 2013 approved.

The applicants stressed how difficult it is to modify a site plan when certain factors can't be changed; one being the existing store must remain open during the construction of the new store and in terms of a loading dock; this is a grocery store, a loading dock is needed, and the Commission and Council have both indicated their desire to have the store relocated as close to France Avenue as possible. Mr. Holmes asked if the Commission had any suggestions on where the loading dock should be located; adding, there aren't many options. Concluding, the applicants asked for clarification and direction with the density and the orientation of the residential components of the project.

Chair Staunton asked Commissioners to clarify if they "were OK" with the layout of the store and residential buildings. A number of Commissioners reiterated they were OK with the siting of the building on the west side (Byerly's store); however, were uncomfortable with the residential element on the east side. A number of Commissioners indicated they can't rule out the possibility of rearranging the buildings in the residential component.

Commissioner Grabiell questioned what would happen if the applicant comes back and informs the Commission they can't change certain aspects of the project. It was noted if that were to occur the Commission would have to vote the project either up or down.

Chair Staunton thanked everyone for their participation adding the request has been tabled to the next meeting of the Planning Commission on March 13, 2013.

VII. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packet materials.

VIII. CHAIR AND COUNCIL MEMBER COMMENTS

Chair Staunton thanked everyone for attending the ULI Workshop held at the Senior Center last week. Staunton also noted that in speaking with Planner Teague they felt it may be time to have a Planning "refresher" course with the City Attorney, Roger Knutson. Staunton said he and Teague would work on finding the right date for that event.

Continuing, Staunton said it may be time to revisit the "Work Plan", adding he would speak with Teague to set a date to add it to the agenda. Concluding, Staunton introduced new

appointee Claudia Carr, adding he would be working on a new seating arrangement for Commissioners.

Commissioner Platteter reported that he wouldn't be attending the next Planning Commission meeting (March 13th).

IX. STAFF COMMENTS

Planner Teague asked if one member of the Planning Commission would like to volunteer to serve on an Urban Design board as mentioned by Mr. Houle. Claudia Carr volunteered to serve.

X. ADJOURNMENT

Commissioner Grabiell moved to adjourn the meeting at 11:50 pm. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker

Respectfully submitted